

REMARKS

With this Response, no claims are amended, added, or canceled. Therefore, claims 1-25 are pending.

CLAIM REJECTIONS - 35 U.S.C. § 102

Claims 1-25 were rejected under 35 U.S.C. § 102(e) as being anticipated US Patent Publication No. 2003/0169722 A1 to Petrus et al. (hereinafter "Petrus"). Applicants respectfully submit that the claims are not anticipated by the cited reference for at least the following reasons.

Claim 1 recites the following:

a communication device establishing a wireless communication session with a remote user terminal, the wireless communication session having associated therewith a **session time limit**;
the communication device detecting a **session renewal**; and
the communication device **altering the session time limit** in response to detecting the session renewal.

Claim 8 similarly recites a session renewal and further recites renewing the session. Claim 15 similarly recites altering the session time limit.

The Final Office Action asserts at pages 2, and more specifically at pages 5 to 6, that Petrus discloses the claimed invention. This assertion is not supported by the cited reference. The Final Office Action bases the rejection on paragraph [0039] of Petrus, which states the following:

Periodically, **the user terminal scans** the BCH to update its RSSI and BSCC map. When it detects a better base station, **it may send a CR** to this new base station and possibly handover its network session. If successful stream initiation fails too many times, the user terminal enters a timeout state. From timeout, it may try to regain a RID via RA-rreq, refresh its timing advance using a CR, find a new base station to which it might handover by scanning the BCH, or even begin from scratch to re-acquire basic frame timing. If this re-establishment is successful, the user terminal may be able to continue its network session by completing a network session handover to the new base station.

The Final Office Action bases the rejection on erroneous interpretations of this paragraph, each of which will be addressed in turn.

The Final Office Action asserts that "When it detects a better base station, it may send a CR to this new base station and possibly handover its network session" discloses detecting a session renewal. Applicants note at least two errors in this reasoning. A first error is that the claimed invention recites "the communication device [that established a wireless communication

Application No.: 09/813,386
Attorney Docket No.: 15685.P093

-6-

Examiner: Naghmeh Mehrpour
Art Unit: 2686

session with a remote user terminal] detecting a session renewal," whereas the cited reference discusses a **user terminal** handing over its network session. Applicants submit that the operators are different in the cited reference and the claimed invention, and the cited reference would not suggest the claimed invention to one of skill in the art. A second error is that there is no disclosure or suggestion in the cited reference of detecting a session renewal. The Final Office Action fails to provide reasoning as to why one skilled in the art would purportedly understand that determining to hand over a network session due to **detecting a better base station** would suggest detecting a session renewal. The cited reference fails to consider session renewal, and the handover of the cited reference fails to disclose or suggest a session renewal as recited in the claimed invention.

Next the Final Office Action asserts that "From timeout, it [the user terminal] may try to regain a RID via a RA-rreq, refresh its timing advance using a CR..., or even begin from scratch to re-acquire basic frame timing" discloses altering a first session time limit. Applicants cannot understand this assertion. As a person of skill in the art understands, a "timing advance" refers to a round trip propagation delay between the user terminal and the communication device with which it is communicating. "Frame timing" refers to synchronization of communication signals between communicating devices. A "timing advance" has nothing to do with **session time limits**, even though "timing" and "time limit" may appear to have similar roots to the casual observer. Similarly, "frame timing" fails to suggest session time limits to one of skill in the art.

Furthermore, Applicants point out that the claimed invention recites session time limits, which are not addressed in cited reference. The cited reference discusses establishing a session at [0037], and continuing a session with handover (as opposed to terminating the former session and beginning a new session) in [0039]; however, Applicants note that these sessions fail to discuss time limits or session renewal, in contrast to what is claimed. Applicants must concede that the cited reference refers to a "timeout," but as with the other portions of the cited reference, it is taken out of context and misapplied to the claimed invention. The timeout mentioned refers to a failed initiation of a stream, or failed initiation of a session, and fails to suggest to one of skill in the art a session timeout.

The Final Office Action fails to meet its burden to provide a prima facie case of anticipation, as per MPEP § 2131, because the cited reference fails to disclose at least one element of the invention as recited in the independent claims. As is well established, the dependent claims include every limitation of the independent claims. Because the cited reference

fails to disclose at least one element of the independent claims, a prima facie case of anticipation has not been established with reference to the dependent claims.

The Office has yet to provide a rejection that addresses each element of the claimed invention, despite the exchange of several Office Actions and Responses between the Applicants and the Office. Applicants express disappointment that there has been substantial expenditure by the Applicants in terms of time and resources, to Applicants' detriment, for the above-referenced application, with no apparent progress being made as to its final resolution. Applicants' representative can be reached at the contact information below to further the examination of the application.


CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections of the claims have been overcome herein, placing all pending claims in condition for allowance. Such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the above-referenced application.

The Commissioner is authorized to charge or credit any deficiencies or overpayments in connection with this submission to Deposit Account No. 02-2666, and is requested to notify us of same.

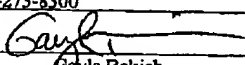
Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: March 13, 2006



Vincent H. Anderson
Reg. No. 54,962

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1026
Telephone: (503) 439-8778

I hereby certify that this correspondence is being facsimile transmitted on the below date to the United States Patent and Trademark Office at:	
Fax No.: 571-273-8300	
Signature:  Gayle Bekish	Date: 3-13-06

Application No.: 09/813,386
Attorney Docket No.: 15685.P093

-8-

Examiner: Naghmeh Mehrpour
Art Unit: 2686